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**BellSouth Telecommunications, Inc**

333 Commerce Street  
Suite 2101  
Nashville, TN 37201-3300

guy.hicks@bellsouth.com

**T.R.A. DOCKET ROOM**

**Guy M. Hicks**  
General Counsel

615 214 6301  
Fax 615 214 7406

July 13, 2004

**VIA HAND DELIVERY**

Hon. Pat Miller  
Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

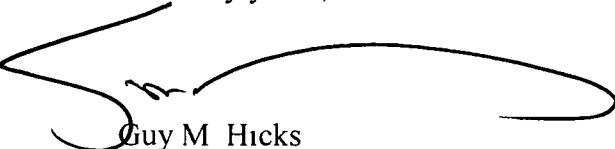
Re: *Approval of the Amendment to the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc. and Birch Telecom of the South, Inc Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*  
Docket No. 04-00209

Dear Chairman Miller:

Pursuant to Section 252(e) of the Telecommunications Act of 1996, Birch Telecom of the South, Inc. and BellSouth Telecommunications, Inc. are hereby submitting to the Tennessee Regulatory Authority ("TRA") the original and fourteen copies of the attached Petition for Approval of the Amendment to the Interconnection Agreement dated July 14, 2000. The Amendment adds Melded Tandem Switching to the Agreement.

Thank you for your attention to this matter.

Sincerely yours,



Guy M. Hicks

GMH/dt

Enclosure

cc: Greg Lawhon, Attorney for Birch Telecom of the South, Inc

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee

In re: *Approval of the Amendment to the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc. and Birch Telecom of the South, Inc Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*  
Docket No. 02-01109

**PETITION FOR APPROVAL OF THE**  
**AMENDMENT TO THE INTERCONNECTION AGREEMENT**  
**NEGOTIATED BETWEEN BELLSOUTH TELECOMMUNICATIONS, INC.**  
**AND BIRCH TELECOM OF THE SOUTH, INC.**  
**PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996**

COME NOW, Birch Telecom of the South, Inc. ("Birch") and BellSouth Telecommunications, Inc., ("BellSouth"), and file this request for approval of the Amendment to the Interconnection Agreement dated July 14, 2000 (the "Amendments") negotiated between the two companies pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, (the "Act"). In support of their request, Birch and BellSouth state the following:

1. Birch and BellSouth have successfully negotiated an agreement for interconnection of their networks, the unbundling of specific network elements offered by BellSouth and the resale of BellSouth's telecommunications services to Birch. The Interconnection Agreement was approved by the Tennessee Regulatory Authority ("TRA") on March 20, 2001.
2. The parties have recently negotiated an Amendment to the Agreement. The Amendment adds Melded Tandem Switching to the Agreement. A copy of the Amendment is attached hereto and incorporated herein by reference.
3. Pursuant to Section 252(e) of the Telecommunications Act of 1996, Birch and BellSouth are submitting their Amendment to the TRA for its consideration and approval. The

Amendment provides that either or both of the parties is authorized to submit the Amendment to the TRA for approval.

4. In accordance with Section 252(e) of the Act, the TRA is charged with approving or rejecting the negotiated Amendment between BellSouth and Birch within 90 days of its submission. The Act provides that the TRA may only reject such an agreement if it finds that the agreement or any portion of the agreement discriminates against a telecommunications carrier not a party to the agreement or the implementation of the agreement or any portion of the agreement is not consistent with the public interest, convenience and necessity.

5. Birch and BellSouth aver that the Amendment is consistent with the standards for approval.

6. Pursuant to Section 252(i) of the Act, BellSouth shall make the Agreement available upon the same terms and conditions contained therein.

Birch and BellSouth respectfully request that the TRA approve the Amendment negotiated between the parties.

This 13<sup>th</sup> day of July, 2004.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

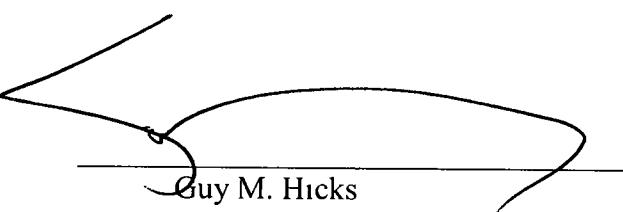
By:

Guy M. Hicks  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6301  
Attorney for BellSouth

**CERTIFICATE OF SERVICE**

I, Guy M. Hicks, hereby certify that I have served a copy of the foregoing Petition for Approval of the Amendment to the Interconnection Agreement on the following via United States Mail on the 13 day of July, 2004:

Greg Lawhon, Esquire  
General Counsel  
Birch Telecom of the South, Inc.  
2020 Baltimore Avenue  
Kansas City, Missouri 64108-1914



Guy M. Hicks

**Amendment to the Agreement  
Between  
Birch Telecom of the South, Inc.  
and  
BellSouth Telecommunications, Inc.  
Dated July 14, 2000**

Pursuant to this Amendment, (the "Amendment"), Birch Telecom of the South, Inc d/b/a Birch Telecom and d/b/a Birch ("Birch") on behalf of itself and its certificated operating affiliates identified in Part C hereof, and BellSouth Telecommunications, Inc ("BellSouth"), hereinafter referred to collectively as the "Parties," hereby agree to amend that certain Interconnection Agreement between the Parties dated July 14, 2000 ("Agreement") to be effective upon the date of the last signature executing the Amendment

WHEREAS, BellSouth and Birch entered into the Agreement on July 14, 2000, and,

NOW THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows

- 1 The parties agree to add the following provision to Attachment 2, Section 3 3 1 and the associated rates as set forth in Exhibit 1 of this Amendment, attached hereto and incorporated herein by this reference
  - 3 3 1 1 Where Birch utilizes portions of the BellSouth network in originating or terminating traffic, the Tandem Switching rates are applied in call scenarios where the Tandem Switching Network Element has been utilized. Because switch recordings cannot accurately indicate on a per call basis when the Tandem Switching Network Element has been utilized for an interoffice call originating from a UNE port and terminating to a BellSouth, Independent Company or Facility-Based CLEC office, BellSouth has developed, based upon call studies, a melded rate that takes into account the average percentage of calls that utilize Tandem Switching in these scenarios. BellSouth shall apply the melded Tandem Switching rate for every call in these scenarios. BellSouth shall utilize the melded Tandem Switching Rate until BellSouth has the capability to measure actual Tandem Switch usage in each call scenario specifically mentioned above, at which point the rate for the actual Tandem Switch usage shall apply. The UNE Call Flows set forth on BellSouth's website, as amended from time to time and incorporated herein by this reference, illustrate when the full or melded Tandem Switching rates apply for specific scenarios
- 2 All of the other provisions of the Agreement, dated July 14, 2000, shall remain in full force and effect
- 3 Either or both of the Parties are authorized to submit this Amendment to the respective state regulatory authorities for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996

**PART C**

**Schedule of Birch Telecom of the South, Inc (Birch) Operating Affiliates**

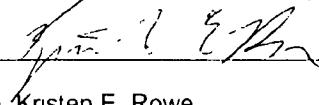
Birch Telecom of the South, Inc d/b/a Birch Telecom and d/b/a Birch – FL

Birch Telecom of the South, Inc – AL, GA, KY, LA, MS, NC, SC and TN

Melded Tandem Amendment  
Signature Page

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year written below

BellSouth Telecommunications, Inc.

By 

Name Kristen E. Rowe

Title Director

Date 5/28/04

Birch Telecom of the South, Inc.

By 

Name GREGORY C. LAWHON

Title SVP

Date 5/27/04

UNBUNDLED NETWORK ELEMENTS - Alabama						Attachment 2							Exhibit C		
CATEGORY	RATE ELEMENTS					USOC	RATES (\$)			Svc Order Submitted Elec per LSR	Submitted Manually per LSR	Incremental Charge - Manual Svc Order vs Electronic- Disc 1st	Incremental Charge - Manual Svc Order vs Electronic- Disc Add'l	Incremental Charge - Manual Svc Order vs Electronic- Disc Add'l	
	Inten m	Zone	BCS	USOC	Roc		Nonrecurring First	Disconnect Add'l	OSS Rates (\$)						
<b>UNBUNDLED LOCAL SWITCHING PORT USAGE</b>															
Tandem Switching (Port Usage) (Local or Access Tandem)															
Tandem Switching Function Per MOU (Needed)						0.000040983									
Tandem Trunk Port Shared Per MOU (Needed)						0.000086947									
Merge Factor 43.15% of the Tandem Rate															

UNBUNDLED NETWORK ELEMENTS - Florida

CATEGORY	RATE ELEMENTS	USOC			RATES (\$)			Attachment 2			Exhibit C		
		Inten m	Zone	BCS	USOC		Roc				Svc Order Submitted	Manual Svc	Incremental Charge
								Nonrecurring First	Disconnect Add'l	Order vs Electronic-1st	Order vs Electronic-Add I	Manu Svc Order vs Electronic-Add I	Manual Svc Order vs Electronic-Disc 1st
<u>UNBUNDLED LOCAL SWITCHING PORT USAGE</u>													
Tandem Switching (Port Usage) [Local or Access Tandem]													
Tandem Switching Function Per MOU (Melded)													
Tandem Trunk Port Shared Per MOU (Melded)													
Melded Factor 20.61% of the Tandem Rate													

**UNBUNDLED NETWORK ELEMENTS - Georgia**

CATEGORY	RATE ELEMENTS	Inten m	BCS	USOC	RATES (\$)		Attachment 2			Exhibit C	
					Svc Order Submitted Elec per LSR	Nonrecurring First Add'l	Nonrecurring First Add'l	OSS Rates (\$)	Incremental Charge - Manual Svc Order vs Electronic - 1st Add'l	Incremental Charge - Manual Svc Order vs Electronic - Disc 1st Add'l	
<b>UNBUNDLED LOCAL SWITCHING, PORT USAGE</b>											
Tandem Switching (Port Usage) (Local or Access Tandem)											
Tandem Switching Function Per MOU (Melded)					0.000017904						
Tandem Trunk Port - Shared Per MOU (Melded)					0.00002868						
Melded Factor (18.42% of the Tandem Rate)											

CATEGORY	RATE ELEMENTS	Inten m	BCS	USOC	RATES (\$)	Attachment 2						Exhibit C		
						Roc	Nonrecurring First	Disconnect Add'l	Nonrecurring First	Charge - Order vs 1st	Svc Order Submitted Manually per LSR Elec	Svc Order Submitted Manually per LSR Order vs Electronic Order	Incremental Charge - Manual Svc Order vs Electronic Order	SOMAN
<u>UNBUNDLED LOCAL SWITCHING PORT USAGE</u>														
Tandem Switching (Port Usage) (Local or Access Tandem)														
Tandem Switching Function Per MOU (Melded)						0.000094381								
Tandem Trunk Port Shared Per MOU (Melded)						0.0001017538								
Melded Factor 45.65% of the Tandem Rate														



UNBUNDLED NETWORK ELEMENTS - Mississippi												
CATEGORY	RATE ELEMENTS				USOC				RATES (\$)			
	Inten m	Zone	BCS	USOC	RoC	First	Nonrecurring	Disconnect	Add'l	First	Nonrecurring	Disconnect
UNBUNDLED LOCAL SWITCHING, PORT USAGE												
Tandem Switching (Port Usage) (Local or Access Tandem)												
Tandem Switching Function Per MOU (Mixed)												
Tandem Trunk-Port - Shared Per MOU (Mixed)												
Mixed Factor 36.82% of the Tandem Rates												

Attachment 2.													
RATE ELEMENTS				USOC				RATES (\$)				Attachment 2.	
CATEGORY	Inten m	Zone	BCS	USOC	RoC	First	Nonrecurring	Disconnect	Add'l	First	Nonrecurring	Disconnect	
UNBUNDLED LOCAL SWITCHING, PORT USAGE													
Tandem Switching (Port Usage) (Local or Access Tandem)													
Tandem Switching Function Per MOU (Mixed)													
Tandem Trunk-Port - Shared Per MOU (Mixed)													
Mixed Factor 36.82% of the Tandem Rates													

Exhibit C													
RATE ELEMENTS				USOC				RATES (\$)				Exhibit C	
CATEGORY	Inten m	Zone	BCS	USOC	RoC	First	Nonrecurring	Disconnect	Add'l	First	Nonrecurring	Disconnect	
UNBUNDLED LOCAL SWITCHING, PORT USAGE													
Tandem Switching (Port Usage) (Local or Access Tandem)													
Tandem Switching Function Per MOU (Mixed)													
Tandem Trunk-Port - Shared Per MOU (Mixed)													
Mixed Factor 36.82% of the Tandem Rates													

CATEGORY	RATE ELEMENTS	Inte rnal	BCS	USOC	RATES (\$)			Rec	Nonrecurring First	Nonrecurring Add'l	Disconnect First	OSS Rates (\$)	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN	Attachment 2		Exhibit C		
					Charge - Manual Svc	Charge - Order vs	Charge - Electronic						Submitted Manually per LSR	Submitted Elec per LSR	Submitted Order vs Electronic	Add'l	Order vs	Order 1st	Order vs Electronic	Add'l	Order vs	Order 1st	Order vs Electronic	Add'l	Order vs	Order 1st	Order vs Electronic
<b>UNBUNDLED NETWORK ELEMENTS - North Carolina</b>																											
Tandem Switching (Port Usage) (Local or Access Tandem)																											
Tandem Switching Function Per MOU (Melded)																											
Tandem Trunk Port Shared Per MOU (Melded)																											
Melded Factor 41.03% of the Tandem Rate																											

CATEGORY	RATE ELEMENTS	Int'l m	Zone	BCS	USOC	RATES (\$)	Exhibit C														
							Rec	Nonrecurring First	Disconnect Add'l	Nonrecurring First	Attachment 2	Incremental Charge - Manual Svc Order vs Electronic- Disc Add'l	Incremental Charge - Manual Svc Order vs Electronic- Disc 1st	Incremental Charge - Manual Svc Order vs Electronic- Add'l	Incremental Charge - Manual Svc Order vs Electronic- Add'l	OSS Rates (\$)	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN
<b>UNBUNDLED LOCAL SWITCHING PORT USAGE</b>																					
Tandem Switching (Port Usage) (Local or Access Tandem)																					
Tandem Switching Function Per MOU (Mediad)							0.00004951														
Tandem Trunk Port Shared Per MOU (Mediad)							0.00008649														
Mediad Factor	30-30% of the Tandem Rate																				

